

REMARKS

Claims 1-40 are currently pending in the subject application and are presently under consideration. Claims 1, 17, 27, and 32 have been amended as shown on pages 2-9 of the Reply. Claim 2 has been cancelled.

The Examiner is thanked for courtesies extended during an interview conducted on May 28, 2008. The main focus of the interview was on potential amendments to forward prosecution. While the presented matter generally related to all the claims, the crux was upon claims 1, 17, 22, and 32. No specific references were discussed in detail, though general discussion pertained to the references cited in the outstanding office action, and the Examiner stated she believed the proposed amendments disclosed herein would overcome the cited references. The interview was conducted with Ronald Krosky (Reg. No. 58,564) and Examiner Duong.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 3, 5-7, 10-11, 13-15, 27, 29, 30, 32-34, and 36-40 Under 35 U.S.C. §103(a)

Claims 1, 3, 5-7, 10-11, 13-15, 27, 29, 30, 32-34, and 36-40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Moore (WO 02/01836 A2) in view of Ferrante, *et al.* (US 6,915,278). It is requested that this rejection be withdrawn for at least the following reasons. Neither Moore nor Ferrante *et al.*, alone or in combination, teach or suggest all elements of the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) ***must teach or suggest all the claim limitations***. See MPEP §706.02(j). The ***teaching or suggestion to make the claimed combination*** and the reasonable expectation of success ***must be found in the prior art and not based on the Applicant's disclosure***. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

The claimed subject matter relates to software server systems, and more specifically, to server architecture that facilitates subscriber tracking and administration. To this end, independent claim 1 as amended (and similarly amended independent claims 17, 22, 27, and 32) recites a rules component that processes one or more rules in accordance with the subscription service of a subscriber, the one or more rules comprising *a rule that automatically provides a license to a client, and prevents anonymous rotation of more clients than are authorized by the number dictated by the license wherein the rules component processes a churn rule of the one or more rules that facilitates control of how often one of the clients that are concurrently accessing the service can be replaced with a new client and processes a frequency rule of the one or more rules that facilitates control of a number of times that one of the clients can leave service and re-enter service in a given period of time*; and a services component that uses the one or more rules to automatically enforce the subscription service, in part, according to the number of concurrently connected clients of the subscriber. Moore fails to disclose such claimed aspects.

Moore relates to the field of communication systems, and more particularly, to communication systems that provide communication services to mobile devices. Moore discloses a communication system that provides access to communication services used by a plurality mobile device over one or more wireless asynchronous connectionless link comprising a host processor, a link manager, and an access queue. The host processor issues commands that grant and terminate service access to each of the mobile devices in the group of mobile devices in accordance with a predefined access. When one of the mobile devices in the group of mobile devices requests service access, the request is granted based on a priority assigned to a response to the requested service. However, Moore is silent regarding *a rule that prevents anonymous rotation of more clients than are authorized by the number dictated by the license*. Applicants' claimed system provides a mechanism for ensuring that *a subscriber is prevented from adding an unlimited number of clients or rotating clients in and out of the pool to effectively maintain service on a set of computers to which the subscriber is entitled wherein the rules component processes a churn rule of the one or more rules that facilitates control*

of how often one of the clients that are concurrently accessing the service can be replaced with a new client and processes a frequency rule of the one or more rules that facilitates control of a number of times that one of the clients can leave service and re-enter service in a given period of time. Applicants' claimed system provides a license to a client, and prevents anonymous rotation of more clients than are authorized by the number dictated by the license as recited in independent claim 1.

On page 2 of the Final Office Action dated April 18, 2008, Examiner acknowledges that Moore fails to disclose or suggest a rule that prevents anonymous rotation of more clients than are authorized by the number dictated by the license and offers Ferrante *et al.* to cure this short-coming. However, Ferrante *et al.* fails to make up for this and for all aforementioned deficiencies of Moore as recited in amended independent claim 1 (and similarly claims 17, 22, 27, and 32).

Ferrante *et al.* relates to data processing systems and, more particularly, to licensing software in data processing systems. Ferrante *et al.* discloses improved license management system and method, wherein the authorized use of licensed software to multiplicity of computer and/or users is managed and controlled. Ferrante *et al.* merely discloses the predetermined number of licenses for use by client computers connected to the server by a network. There is no mention of a churn and a frequency rule in Ferrante *et al.* Thus, if the number of concurrent clients has not been exceeded, the client in Ferrante *et al.* is automatically allowed the sustained connection no matter what the outcomes are for any of the remaining rules, the churn and the frequency rule as recited in amended claim 1. Therefore, Ferrante *et al.* fails to teach or suggest that *the rules component processes a churn rule of the one or more rules that facilitates control of how often one of the clients that are concurrently accessing the service can be replaced with a new client and processes a frequency rule of the one or more rules that facilitates control of a number of times that one of the clients can leave service and re-enter service in a given period of time* as recited in amended independent claim 1.

On page 5 of the Final Office Action dated April 18, 2008, Scoredos *et al.* was cited by the Examiner as disclosing a frequency parameter. Scoredos *et al.* relates to a method of controlling connections from an IP entity to a server. Scoredos *et al.* uses 'keep-limit' rules to restrict concurrent connection requests from specific clients or

groups of clients to a pre-configured limit. However, the system in Scoredos *et al.* merely recites specifying the pre-configured limit and restricting concurrent connection requests from specific clients, but fails to teach or suggest *processing a frequency rule of the one or more rules that facilitates control of a number of times that one of the clients can leave service and re-enter service in a given period of time* as recited in independent claim 1. For example, the allowable re-subscription frequency for a client is twice per month in the claimed subject matter. Even if the client never uses the service or accesses the service only one time during a month, the given period time, *the clients would be denied service after such a given period of time has elapsed* whereby the system described in the claimed subject matter prevents anonymous rotation of more clients than are authorized by the number dictated by the license.

The Examiner also incorrectly states that Zhao teaches a rule that limits an amount of churn per a specified time interval. Applicant's representative respectfully disagrees. Zhao relates to online computer systems and, more specifically, to access control of concurrent or multiple users using the same account or master ID number. Zhao provides an access control system which determines if additional concurrent users' logins are permitted, when a user has logged out, and when a user can login if all the available login slots are concurrently being used.

When the maximum concurrent user number is reached, a login manager in Zhao can set mandatory time out times for the earliest started session having the same internal user ID. When those times are reached, the session is removed from a state look up table. Depending on the number of login attempts and a priority rule, a first session, which is established after a user logs in, is limited to a time out period, whereas a second session is not provided a time-out time. The more the users attempt to log in, the more sessions are set to be limited to a time out period in order to make room for the new users.

The control system in Zhao is therefore different from that in the claimed subject matter. When more than the permitted numbers of user are trying to use the system at the same time, the login manger in Zhao selects one or more of the existing concurrent users and sets mandatory time out times for the one or more of the existing concurrent users to make the room for the new users. The system in Zhao sets *mandatory time out times for the existing concurrent clients* to log off the existing concurrent users and replace these

existing concurrent users with new users. In fact, *mandatory time out times* recited in Zhao is used to accelerate removal of the existing concurrent users quickly and cycle more users in and out of the pool so that *the system in Zhao virtually helps anonymous rotation of more clients* than are authorized by the number dictated by the license.

The churn as recited in the claimed subject matter is defined in terms of number of new systems allowed to enter service per a specified time interval once the subscription maximum “n” has been reached. The control system in the claimed subject matter can set the allowable churn per *a specified period of time*. In the event that the subscriber in the claimed subject matter wishes to turn off an existing client and substitute a new client, the subscriber simply does so *unless the churn has been exceeded*. However, after the churn has been exceeded, which means that the last churned client entered service, the server recited in the claimed subject matter does not allow the new clients to be admitted into service *until a specified period of time has elapsed and the churn counter is reset to zero*. The server automatically denies additional requests from new clients seeking access to the service during such a specified period whereby the system described in the claimed subject matter *facilitates control of how often one of the clients that are concurrently accessing the service can be replaced with a new client* as recited in claim 1. On the contrary, as described *supra*, after the maximum number of logins has been reached, in the event that the subscriber in Zhao wishes to turn off an existing client and substitute a new client, the subscriber selectively does so by *setting mandatory time out times for the existing concurrent clients* to log off the existing concurrent users but fails to teach or suggest *controlling of how often one of the clients that are concurrently accessing the service can be replaced with a new client* as recited in claim 1. The churn counter as recited in claim 1 is not mentioned in Zhao. Since Zhao does not teach or suggest such aspects of claim 1, Zhao does not make up for the aforementioned deficiencies of Moore in view of Ferrante *et al.* with respect to independent claim 1.

In view of at least the foregoing, it is readily apparent that Neither Moore nor Ferrante *et al.*, alone or in combination, teach or suggest all elements of the subject claims as recited in independent claims 1, 17, 22, 27, and 32; thus, rejection of these

claims as well as claims 3, 5-7, 10-11, 13-15, 29, 30, 33-34, and 36-40, which respectively depend there from should be withdrawn.

II. Rejection of Claims 2, 9, and 28 Under 35 U.S.C. §103(a)

Claims 2, 9, and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Moore (WO 02/01836 A2) in view of Ferrante *et al.* and Scoredos *et al.* (US 2004/0250127 A1). Claim 2 has been cancelled. It is requested that this rejection be withdrawn for at least the following reasons. As described *supra*, Scoredos, *et al.* does not cure the deficiencies of Moore in view of Ferrante *et al.* with respect to independent claims 1 and 27, from which claims 9, and 28 depend. Accordingly, this rejection should be withdrawn.

III. Rejection of Claims 4, 31, and 35 Under 35 U.S.C. §103(a)

Claims 4, 31, and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Moore (WO 02/01836 A2) in view of Ferrante *et al.* and Chakraborty *et al.* (US 2004/0054791 A1). It is requested that this rejection be withdrawn for at least the following reasons. Moore and Chakraborty *et al.*, individually or in combination, do not teach or suggest each or every element set forth in the subject claims. In particular, Chakraborty, *et al.*, does not make up for the aforementioned deficiencies of Moore in view of Ferrante *et al.* with respect to independent claims 1, 27, and 32, from which claims 4, 31, and 35 depend. Accordingly, this rejection should be withdrawn.

IV. Rejection of Claims 8, and 17-19 Under 35 U.S.C. §103(a)

Claims 8, and 17-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Moore (WO 02/01836 A2) in view of Ferrante *et al.* and Kitamura *et al.* (US 2002/0010630 A1). It is requested that this rejection be withdrawn for at least the following reasons. Moore and Kitamura *et al.*, individually or in combination, do not teach or suggest each or every element set forth in the subject claims. In particular, Kitamura *et al.*, does not make up for the aforementioned deficiencies of Moore in view of Ferrante *et al.* with respect to independent claim 1 and 17, from which claims 8 and 18-19 depend. Accordingly, this rejection should be withdrawn.

V. Rejection of Claims 12 and 16 Under 35 U.S.C. §103(a)

Claims 12 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Moor (WO 02/01836 A2) in view of Ferrante *et al.* and Zhao (US 6,035,404). It is requested that this rejection be withdrawn for at least the following reasons. As described *supra*, Zhao does not cure the deficiencies of Moore in view of Ferrante *et al.* with respect to independent claim 1, from which claim 12 depends. Accordingly, this rejection should be withdrawn.

Furthermore, dependent claim 16 recites that *a classifier that facilitates the performance of rules processing according to an inference*. On page 6 of the Final Office Action dated April 18, 2008, the Examiner argues that Zhao discloses the subject claim at col. 6, ll. 8-39. Applicant's representative respectfully disagrees with such contention. The cited passage relates to controlling the maximum concurrent user. The cited passage makes no reference of *a classifier that facilitates the performance of rules processing according to an inference*. Accordingly, this rejection should be withdrawn.

VI. Rejection of Claim 20 Under 35 U.S.C. §103(a)

Claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Moore (WO 02/01836 A2) in view of Ferrante *et al.*, Kitamura *et al.* (US 2002/0010630 A1) and Zhao (US 6,035,404). Moore, Kitamura *et al.*, and Zhao, individually or in combination, do not teach or suggest each or every element set forth in the subject claims. In particular, Zhao, does not make up for the aforementioned deficiencies of Moore, Ferrante *et al.* and Kitamura *et al.* with respect to independent claim 17, from which claim 20 depends. Accordingly, this rejection should be withdrawn.

VII. Rejection of Claim 21 Under 35 U.S.C. §103(a)

Claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Moor (WO 02/01836 A2) in view of Ferrante *et al.*, Kitamura *et al.* (US 2002/0010630 A1) and Birk *et al.* (US 2005/0154887 A1). It is requested that this rejection be withdrawn for at least the following reasons. Moore, Kitamura *et al.*, and Birk *et al.*, individually or in combination, do not teach or suggest each or every element set forth in

the subject claims. In particular, Birk, *et al.*, does not make up for the aforementioned deficiencies of Moore, Ferrante *et al.* and Kitamura *et al.* with respect to independent claim 17, from which claim 21 depends. Accordingly, this rejection should be withdrawn.

VIII. Rejection of Claims 22 and 23 Under 35 U.S.C. §103(a)

Claims 22 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zhao (US 6,035,404) in view of Scoredos *et al.* (US 2004/0250127 A1). It is requested that this rejection be withdrawn for at least the following reasons. Zhao and Scoredos, *et al.*, individually or in combination, do not teach or suggest each or every element set forth in the subject claims. In particular, Scoredos, *et al.*, does not make up for the aforementioned deficiencies of Zhao with respect to amended independent claim 22, from which claim 23 depends. Accordingly, this rejection should be withdrawn.

IX. Rejection of Claims 24-26 Under 35 U.S.C. §103(a)

Claims 24-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zhao (US 6,035,404) in view of Scoredos *et al.*, Ferrante *et al.* (US 2004/0250127 A1) and Kitamura *et al.* (US 2002/0010630 A1). It is requested that this rejection be withdrawn for at least the following reasons. Zhao, Scoredos *et al.*, and Kitamura *et al.*, individually or in combination, do not teach or suggest each or every element set forth in the subject claims. In particular, Kitamura *et al.*, does not make up for the aforementioned deficiencies of Zhao, Scoredos *et al.* and Ferrante *et al.* with respect to independent claim 22, from which claims 24-26 depend. Accordingly, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP589US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731